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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/726,548	12/01/2000	Noboru Okada	OGW-0019	3094

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EXAMINER

KNABLE, GEOFFREY L

ART UNIT PAPER NUMBER

1733

10

DATE MAILED: 12/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/726,548

Applicant(s)

OKADA ET AL.

Examiner

Geoffrey L. Knable

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 October 2002 and 08 October 2002.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1, 3-5, 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irie (US 4,468,267) taken with JP 59-93345 to Yokohama, Brown et al. (US 5,554,242), Laurent (US 4,963,207), EP 958,913 to Okada et al. and optionally EP 875364 to Pirelli.

These references are applied for the same reasons made of record in the last office action. As to the new claim requirement that the various means are operative to cooperate to form plural tires of different sizes yet the same inner diameter, as noted in the last office action, it is apparent that one of the known advantages of these various prior art processes is the ability to more easily adapt to changing size requirements for the components (and thus also thereby avoid the need for more storage of more different components). Further, EP '364 to Pirelli was cited as additional evidence showing that the artisan further understands that adapting a given tire building line to build different tire sizes is known and desirable in this art (e.g. col. 6, lines 1-10). A capability to build different tire sizes is thus implicit in or suggested by the systems taught by the references and further would have been an obvious desire of the ordinary artisan for only the expected results. The fact that the system is operative to only build different tires of the same bead diameter is also a system limitation that would have been readily apparent to the artisan employing the band supplying means teachings of JP '345, it being clear that since the width of the stock sheet is fixed, it is only the cut length thereof (which corresponds to the width direction on the drum) that can be

altered to make different type/size tires – the advantage of eliminating the need to stock different width carcass plies for making different tires is however still taught as an advantage of this system – note the abstract and the figure.

As to the requirement that the various means be operative to cooperate to produce the different tires, it is submitted that the ordinary artisan would have certainly been motivated to provide a capability to be able to control all the various building and supply means in a tire building line, particularly where it is desired to effect size changeovers on the same line, it being therefore obvious to provide a cooperative control ability as claimed. In other words, it is submitted that the ordinary artisan would have readily understood that cooperation among the various building and supplying stations in a tire building line is essential to an effective tire building process, the provision of such capability with any conventional multi-stage tire building operation being therefore obvious.

3. Claims 2 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Irie (US 4,468,267) taken with JP 59-93345 to Yokohama, Brown et al. (US 5,554,242), Laurent (US 4,963,207), EP 958,913 to Okada et al. and optionally EP 875364 to Pirelli as applied to claims 1, 3-5, 7 and 8 above, and further in view of EP 624,456 to Krupp as applied in the last office action.

4. Applicant's arguments filed 10-3-02 and 10-8-02 have been fully considered but they are not persuasive.

Applicant's arguments urge that the applied prior art would not teach or render obvious means to supply the band and means to supply the belt/tread that are operative

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to cooperate with one another to form tires having different sizes yet the same inner diameter. For the reasons set forth in the statement of rejection above however it is submitted that such cooperative capability would have been obvious, it being again stressed that one of the known advantages of these various prior art processes is the ability to more easily adapt to changing size requirements for the components (and thus also thereby avoid the need for more storage of more different components). Thus the artisan would have been particularly motivated to assure that there is the necessary control/cooperation among the various supply and building stations to be able to function together to produce the desired tire.

Applicants arguments/amendments in the supplemental amendment also stress that the different tires capable of being produced have the same bead diameter, it being urged that this is not taught by the applied references. While the references do not expressly suggest such a limitation, as noted above, such a system limitation would have been readily apparent to the artisan employing the band supplying means teachings of JP '345, it being clear that since the width of the stock sheet is fixed, it is only the cut length thereof (which corresponds to the width direction on the drum) that can be altered to make different type/size tires. In other words, that using a system as in JP '345 would only provide easy changes in stock width, not stock length (i.e. width and length relative to the drum) would have been readily apparent to the artisan and would thus have been considered to have been an obvious limitation to any building line adapting such a known band building supply technique. None but the expected results would therefore be achieved.

In summary, in tire building, two-stage tire forming systems that include a band forming machine (i.e. first stage machine), a tire shaping/forming machine (i.e. second stage) and a belt/tread forming machine along with the accompanying servicers for the various layers/components are *extremely* well known in this art – the present claims are considered to merely combine known and desirable expedients in this art for each of the various building/supply stations *for only their expected advantages*, it being emphasized further that in each case, it is apparent that one of the known advantages of these various known building/supplying sub-processes is the ability to more easily adapt to changing size requirements for the components (and thus also thereby avoid the need for more storage of more different components).

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Geoffrey L. Knable whose telephone number is 703-308-2062. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael W. Ball can be reached on 703-308-2058. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9310 for regular communications and 703-872-9311 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

  
Geoffrey L. Knable  
Primary Examiner  
Art Unit 1733

G. Knable  
December 27, 2002